

WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE

ANNUAL REPORT

FISCAL YEAR 2006

Tenth Anniversary 1996-2006



Dedication

The Tenth Anniversary Annual Report of the Washington State Office of Public Defense
is dedicated to
Senator Mary Margaret Haugen.

Senator Haugen was an original member of the Commission on Appellate Indigent Defense. The Commission's report was the basis for the formation of the Office of Public Defense (OPD). Senator Haugen was prime sponsor of the legislation creating OPD and shepherded it through the legislative process. She served on the OPD Advisory Committee from 1996 to 2005, when her heavy duties as a ranking legislator forced her resignation.

Senator Haugen's practical common sense, inquiring mind, and constant concern for accountability shaped the work of the agency. She has been a sustaining leader in promoting dedication to the OPD's mission, together with dedication to effectiveness and efficiency in carrying out the mission.

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ADVISORY COMMITTEE MEMBERS

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Mr. Russell M. Aoki

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Ms. Janet McLane

Mr. Andy Pascua

Senator Debbie Regala

Representative Jay Rodne

Judge Karen Seinfeld (ret.)

Ms. Catherine Smith

Senator Val Stevens

OFFICE OF PUBLIC DEFENSE

Joanne I. Moore, Director

Mary Jane Ferguson, Deputy Director

711 Capitol Way South, Ste. 106

PO Box 40957

Olympia WA 98504-0957

Telephone: (360) 586-3164

Fax: (360) 586-8165

E-mail: opd@opd.wa.gov

Website: www.opd.wa.gov

MISSION STATEMENT

The mission of Washington State Office of Public Defense (OPD) is to "implement the constitutional guarantee of counsel and to ensure the effective and efficient delivery of indigent appellate services funded by the state of Washington." RCW 2.70.005.

INTRODUCTION

Washington State Office of Public Defense is an independent judicial branch agency. Created by the Legislature in 1996, the agency works to ensure high quality representation through actions including:

- implementing procedures for appointment of attorneys and evaluation of indigent appellate attorney services;
- administering funds appropriated for court-appointed counsel in appellate cases and supporting the appellate cost recovery system through timely responses to requests;
- administering funds and supporting efforts to improve the quality of trial level indigent defense in Washington State;
- initiating legislative proposals and court rule changes;
- administering a state funded Parents Representation Program; and
- providing information, special reports and recommendations to the Legislature including an annual prioritized list of aggravated murder costs submitted by the counties.

The Washington State Office of Public Defense Advisory Committee, made up of state legislators and members appointed by the Governor, the Washington State Supreme Court Chief Justice, the Court of Appeals Executive Committee, and the Washington State Bar Association, oversees the activities of the agency.

During fiscal year 2006, the Advisory Committee conducted business at quarterly meetings and met additionally as necessary to consider time-sensitive issues. The Advisory Committee reviewed legislative and court rule proposals, established agency policies and procedures, provided oversight of the budget and agency programs, and resolved fiscal appeals pursuant to court rules. Both the federal and state constitutions as well as state statutes guarantee the right to counsel for indigent persons in criminal cases and other cases involving basic rights, including dependency proceedings, parental rights terminations, criminal contempt convictions, and

involuntary civil commitments. Indigent parties involved in these cases, in which their fundamental interests are at risk, are entitled to representation at state expense. In addition, indigent defendants are entitled to court-appointed representation for responses to state appeals and for motions for discretionary review and petitions for review that have been accepted by an appellate court, personal restraint petitions in death penalty cases, and non-death penalty personal restraint petitions that the court has determined are not frivolous.

In addition to improving the delivery of appellate level indigent defense in fiscal year 2006, OPD continued to work with concerned legal community leaders on critical issues regarding the delivery of trial level indigent defense in Washington State. The agency initiated programs to present information to counties regarding contracting for public defense services, to provide for training and resource attorneys for trial level public defenders, and to implement pilot programs to improve public defense in trial courts. For the first time in Washington State, the 2006 Legislature appropriated state funding for OPD to distribute to counties and cities to improve trial level public defense, and OPD developed and implemented procedures to distribute this funding and monitor its use.

AGENCY STRUCTURE

During fiscal year 2006, the agency staff was composed of a director, a deputy director, a budget analyst, a senior financial analyst, two public defense services managers, two parents representation managing attorneys, a parents representation social services manager, an executive assistant, and two administrative assistants. The budget analyst analyzed the budget and processed invoices. The senior financial analyst processed invoices for indigent appellate defense services. They both also responded to inquiries regarding billing procedures and allowable claims. The executive assistant responded to inquiries related to cost-recoupment and managed office and document preparation matters, and the administrative assistants provided support and technical expertise. The public defense services managers and parents representation managing attorneys developed and implemented procedures to improve the provision of defense services to indigent parents in dependency and termination proceedings and to indigent criminal defendant in trial level proceedings. The parents representation social services manager implemented procedures to improve social services to assist parents and their attorneys in dependency and termination proceedings. The director and deputy director oversaw the budget and managed the tasks described below.

AGENCY TASKS AND ACCOMPLISHMENTS IN FISCAL YEAR 2006

OPD completed the first year of a new system for Court of Appeals appointment of appellate attorneys.

Pursuant to OPD's mandate to ensure effective and efficient delivery of indigent appellate services, the agency continued in fiscal year 2006 to improve the quality of appellate representation. Effective July 1, 2005, the Washington State Supreme Court approved a rule change proposed by OPD establishing appointment of appellate attorneys by the Court of Appeals, rather than by individual county superior courts. For over two decades prior to the rule change, the superior courts in each county had appointed counsel for indigent appeals of non-death penalty cases. This system resulted in varying levels of quality of indigent appellate representation throughout the state.

In 1999, OPD had instituted a new contract system in Divisions II and III to implement uniformly high quality defense attorney representation standards in indigent appeals. The agency continues to oversee the work of 34 contract attorneys in Divisions II and III, in addition to the work of two contract firms in Division I, who first contracted with OPD in 1996. Before contracting with any attorney, OPD undertakes a rigorous evaluation of their written work pursuant to a Request for Proposal process.

To implement the 2005 rule change, OPD worked with Court of Appeals and Washington State University computer programmers to design a system which designates OPD contract attorneys on a rotating basis and provides the names to the Court of Appeals instantly upon request. The system selects attorneys based on their location, type of case they handle, number of cases assigned in the current year and the current month, and the number of cases for which they have contracted.

In fiscal year 2006, the OPD staff implemented the new system, which successfully designated OPD contract attorneys for appointment by the Court of Appeals in Divisions II and III in nearly one thousand cases. Reports produced by the system allowed OPD to monitor the caseloads of contract attorneys in each of the 33 counties of Division II and III, contemporaneously with each appointment. The system also sent email notification to attorneys when the Court of Appeals appointed them on a case. This immediate notification gave attorneys the opportunity to recognize conflicts and notify OPD. In most cases, the conflict could be resolved and the case reassigned on the same day, saving the attorneys from having to prepare written motions to withdraw and saving the court staff time from having to send out duplicate appointment letters to two attorneys.

During fiscal year 2006, OPD continued to work with attorneys appointed to pending appellate death penalty cases. In addition, in accordance with a 2001 legislative directive to establish a Death Penalty Assistance Center, OPD also continued its contract with The Defender Association in Seattle and worked with The Defender Association in transitioning a new director to the Center. The Death Penalty Assistance Center provides support and training to trial lawyers who represent defendants in death penalty cases. The Center has conducted trainings across the state, advised attorneys representing clients in death penalty cases, worked to identify qualified, local experts for casework, and established an extensive website to provide online resources for attorneys.

The agency added 1,500 briefs to its online brief bank, supported attorneys in the use of the online Judicial Information System (JIS), contracted with LexisNexis for on-line research, facilitated on-line access to court files, and provided continuing legal education classes.

In fiscal year 2006, the agency supported indigent appellate representation with an online brief bank, assistance in the use of the Judicial Information System, and continuing legal education classes.

The online brief bank added over 1,500 new briefs in fiscal year 2006, providing attorneys with access to 8,000 indigent appellate briefs for their research. The brief bank allows historical searching and up-to-the-minute issue sharing as briefs are added monthly when they are received by OPD. The immediate access to research performed by all OPD attorneys saves time and improves the quality of representation statewide in a cost-effective way. Attorneys throughout the state and around the nation have accessed the brief bank for their research, and OPD has also provided information to other states interested in setting up similar online resources.

The online Judicial Information System (JIS) is another online resource which appellate attorneys are continuing to use with OPD technical support. Available to public defense attorneys at no cost through the Washington State Administrative Office of the Courts, the JIS system allows access to the dockets of both the superior courts and the appellate courts, so attorneys can check court actions from their office computers. Thus, JIS access saves attorney and court time by reducing in-person visits and telephone calls to the courts for information. OPD continues to provide training updates for its attorneys in the use of the JIS system.

In addition to encouraging the use of JIS, OPD is working with attorneys and counties to encourage the use of electronic access to court files, which the appellate attorneys need for the preparation of their briefs. King County has for several years provided electronic access to OPD's contract firms in Seattle. Pierce County provides on-line access through its LYNX system. Nearly all counties now scan the documents in their court files, and these files are becoming increasingly more available to attorneys on-line or by ordering a CD. OPD will continue to work with counties to use technology to improve efficiency.

On-line research from office computers saves attorneys time and improves the quality of briefing and arguments. This year OPD contracted with LexisNexis through a master contract negotiated by the Administrative Office of the Courts, to offer LexisNexis to contract attorneys. The service includes access to caselaw, as well as media and law reviews, and provides on-line, in-person and telephone training and research support to attorneys.

OPD also worked with the appellate courts on a number of issues, including participating in a task force to improve the appeals process in dependency and termination of parental rights cases.

OPD presented continuing legal education classes in SeaTac in November 2005 and June 2006. OPD's CLE course in November included a presentation and question and answer session with Washington State Supreme Court Justice Barbara Madsen; an update on the effects of the U.S. Supreme Court case, *Blakely v. Washington*; training in preserving federal issues on appeal; and discussion of several appellate ethical issues. In June, attorneys received training on LexisNexis and the Judicial Information System, as well as updates on appellate issues in dependency and termination cases. Both all-day programs also provided time for attorneys to meet in small, geographically diverse groups to exchange information about current cases and build relationships for mutual support.

OPD continued expansion of the Parents Representation Program to thirteen of the counties in Washington State.

Based on the success of the Parents Representation Program as a pilot program in Benton-Franklin and Pierce County juvenile courts, the 2005 and 2006 Legislatures funded expansion of the program to additional counties. In 2005, OPD solicited applications from counties wishing to participate in the program and received requests from most of them. These applications underscored statewide need in the area of parents representation in dependency and termination cases

Through a juvenile court application process, OPD made efforts to select counties with the most pressing need and in which the program would make the most impact. OPD worked with Cowlitz, Ferry, Stevens, Pend Oreille, Grant, Grays Harbor, Kittitas, Pacific, Skagit, and Yakima Counties for the initial expansion, in addition to continuing the program in Pierce, Benton and Franklin Counties.

In each county, OPD works with judges, court staff, the Office of the Attorney General, and local attorneys to implement the program. OPD selects the most qualified attorneys through an RFP process, contracting with a sufficient number to ensure that caseloads meet agency standards in a timely manner. As new attorneys are added to the program, OPD conducted a series of training programs, providing desk books and other resource materials to the attorneys. Program attorneys are also able to access LexisNexis for on-line research.

The pilot program was initially started as a result of a study performed by OPD at the direction of the 1999 Legislature. This study found that parents' resources to respond in these cases are dwarfed by the resources available for the state. The program provides parents with better attorney services to aid them in navigating through the complex legal system. Communication with parent clients, better preparation of cases, and oversight over the parent clients' ability to participate in services are emphasized. The parents' attorneys are able to utilize investigative and expert services and spend additional hours working on these cases under the program.

In addition to work on the Parents Representation Program, the OPD Director participated in statewide groups examining dependency and termination issues, including the Washington State Supreme Court Commission on Children in Foster Care, Joint Task Force on Child Safety, Joint Task Force on Administration and Delivery of Services to Children and Families, the Court Improvement Program Committee, Catalyst for Kids, and the Domestic Violence/Child Protective Services Planning Committee.

Based on the emergent need for adequate parents representation expressed by Washington's juvenile courts, OPD will seek statewide funding for the Parents Representation Program in the 2007 Legislature.

In fiscal year 2006, OPD implemented legislative directives to conduct pilot programs to improve trial level public defense; to distribute funds to counties meeting standards for public defense; to assist counties with public defense contracts; and to provide training and resource attorneys for trial level public defenders.

Responding to reports by the media, the ACLU, the Washington State Bar Association Blue Ribbon Task Force on Indigent Defense, the Court Funding Task Force, and the Board for Judicial Administration, the Legislature recognized the urgent problems with trial level indigent defense and established action in several ways in fiscal year 2005. The Legislature directed OPD to conduct pilot programs to improve public defense; to distribute funds to counties who met standards for public defense; to assist counties with public defense contracts; and to provide training and resource attorneys to trial level public defenders.

After consideration of possible locations for pilot programs and discussions with local officials, judges, and attorneys, OPD established pilot programs in Bellingham Municipal Court, Thurston County District Court, and Grant County Juvenile Court. The municipal and district court pilots implemented a caseload standard of 400 cases per attorney per year, and the juvenile offender pilot implemented a caseload standard of 250 cases per attorney per year. Prior to the implementation of these pilots, the public defense attorneys in the three courts had caseloads far exceeding WSBA-endorsed standards, but similar to many Washington jurisdictions: in Bellingham, attorneys carried caseloads of over 600 cases; in Thurston County, attorneys carried caseloads averaging 800 cases; and in Grant County Juvenile Court, the attorney caseloads were about 500 cases including juvenile offender and dependencies. Detailed data on every case handled in each pilot will allow a thorough analysis and evaluation at the end of the pilot programs.

Under HB 1542 (codified at Chapter 10.101 RCW which is attached at Appendix A), OPD was also directed to distribute any funds provided by the Legislature to counties meeting public defense standards endorsed by the Washington State Bar Association or making “substantial, measurable” improvement toward meeting the standards. (A copy of the standards for public defense is located at Appendix B.) In order to receive funding, counties must ensure that specific minimum standards for public defense are enforced in their counties, including required training; minimum qualifications for attorneys who handle the most serious cases; and independent funding for conflict counsel, investigators, and experts.

In 2006, the Legislature appropriated three million dollars for OPD to distribute to counties and cities to improve trial level public defense. In order to inform county

officials about the new funding, OPD staff made presentations about the program at spring meetings of the Washington Association of Counties in Wenatchee and Bellingham and to the Washington Association of Prosecuting Attorneys in Yakima. At the end of fiscal year 2006, OPD developed an application for counties to use in applying for funds. The application requires copies of all public defense contracts and information concerning costs of public defense and attorney caseloads. The application also informs the counties of the requirements for continued funding. OPD reviews the applications which are submitted, distributes the funds, and compiles the county data to provide the Legislature with an up-to-date snapshot of trial level public defense in Washington. A copy of the application may be found at Appendix C.

In addition to working with the indigent defense pilot programs, OPD's public defense services managers began work with individual counties as requested to improve trial level public defense contracts. Other resource attorneys—two half-time positions, one for felonies and one for misdemeanors—were provided through an OPD contract with the Washington Defender Association (WDA). Public defenders may contract these resources to consult with them about their ongoing cases.

Finally, with the new funding, OPD developed and began conducting a series of regional training throughout Washington State for trial level public defenders. Since most counties do not have public defender offices, but rather contract with individual attorneys to represent indigent defendants, many attorneys lack training and they practice without supervision. The regional trainings were planned to help to raise the quality of public defense practice and will encourage networking among public defense practitioners. Notice of the trainings was sent to all public defenders in the Vancouver and Poulsbo regions, and experienced, local attorneys were contacted to serve on panels to discuss issues and to speak on topics relevant to the local public defenders. Over 100 attorneys participated in the two-day conferences in Vancouver and Poulsbo and received Continuing Legal Education credits from the Washington State Bar Association. Four additional regional trainings were planned for public defenders in the areas of Spokane, the Tri-Cities, Wenatchee, and Ocean Shores. OPD also supported a WDA trial advocacy CLE.

The agency worked with the Courts, the Washington State Bar Association, the Washington Defender Association, and other interested groups to improve public defense funding in Washington State.

Throughout fiscal year 2006, agency staff worked with the Courts, the Washington State Bar Association, the Washington Defender Association, and other interested groups to improve public defense funding in Washington State. Although

the Bar Association adopted standards for public defense in 1990, in numerous jurisdictions, these standards are not being met. As noted by the WSBA Blue Ribbon Panel on Criminal Defense (2004),

The quality of public defense services in Washington varies greatly. Some defender organizations and individual (attorneys) are among the best in the nation. . . (but) defendants in some Washington jurisdictions are poorly served, even victimized. . . Some individuals and private firms profit from public defense contracts while providing minimal or substandard representation to their clients. . . (the March 2004) ACLU report outlined deficiencies in the provision of defense services arising out of the failure to adopt and implement standards, including unmanageable caseloads. Blue Ribbon Panel Report, at 12

In response to the Panel's report, the Bar Association formed the Committee on Public Defense (CPD) to further investigate issues of public defense. Agency staff served on the CPD and on the CPD's Death Penalty Subcommittee and chaired the CPD's Juvenile Justice Subcommittee. The OPD director also chaired the Standards Subcommittee, which reviewed caseload standards and will make recommendations to the CPD in fiscal year 2007.

OPD developed and submitted the 2005 Extraordinary Criminal Justice Costs Act prioritized list.

The Extraordinary Criminal Justice Costs Act, RCW 43.330.190, allows counties which have experienced high-cost aggravated murder cases to petition for state reimbursement. Under the Act, Washington State OPD annually implements the petition process and submits a prioritized list to the Legislature. Pursuant to the statute, priority is based on the comparatively disproportionate fiscal impact on the individual county's budget.

In December 2005 petitions were filed by Grant, Yakima, King and Skagit Counties. Costs claimed in these petitions were audited and verified, including investigation, prosecution, indigent defense, jury impanelment, expert witnesses, interpreters, incarceration, and other adjudication expenses. The agency created a prioritized list in consultation with the Washington Association of Prosecuting Attorneys and the Washington Association of Sheriffs and Police Chiefs, and submitted the list to the Legislature, which granted \$54,000 reimbursement in the 2006 budget bill to Grant County.

The agency processed 13,336 invoices in fiscal year 2006

During fiscal year 2006 Washington State OPD staff processed 13,336 invoices including attorney invoices, pro se transcripts invoices, court reporter invoices, county clerk invoices, appellate court brief photocopying invoices and administrative invoices.

During daily operation, the agency in fiscal year 2006 also responded to approximately 1800 requests for information and assistance from courts, attorneys, county officials, defendants, and the public.

In fiscal year 2006, vendors continued to submit invoices on a timely basis pursuant to OPD's payment policies posted on the OPD website. The policies, instituted in fiscal year 2004, require timely submission of vendor invoices and proscribe penalties for late invoices. These changes have improved OPD's ability to forecast future budget demands. Notwithstanding the policies, OPD's appellate funding requirements continue to fluctuate based on case filings which vary with reasons beyond the control of OPD.

The agency supported the appellate cost recovery system through rapid responses to cost summary requests.

Under the Rules of Appellate Procedure, the appellate court determines the costs taxed to unsuccessful appellants. When an indigent defendant is unsuccessful on appeal, these costs become part of the legal financial obligations that can be imposed by judgment. The rules require that a cost bill, prepared by the prosecuting attorney, be filed with the appellate court within ten days of the filing of an appellate decision terminating review. Prosecutors' offices forward requests for appellate case cost summaries to Washington State OPD. The agency responds within 24 hours in most cases. In fiscal year 2006, Washington State OPD answered 696 prosecutors' requests.

CONCLUSION

Washington State OPD continuously seeks ways to improve the quality of its services and more fully meet its joint mandates of implementing the constitutional guarantee of counsel and ensuring the effective and efficient delivery of indigent appellate services. In the area of appellate services, OPD implemented a

computerized appointment system to designate appellate attorneys, pursuant to the Washington State Supreme Court's amended RAP 15.2, which requires the Court of Appeals, rather than county superior courts, to appoint appellate attorneys designated by OPD.

OPD also assisted appellate and other contract attorneys by expanding the OPD online brief bank, helping attorneys gain access to AOC's online Judicial Information System, providing access to the LexisNexis on-line research system, and conducting continuing legal education classes.

In the area of parents' representation, OPD implemented the Legislature's expansion of the program to about 13 counties in FY 2006. Pursuant to the objectives of the 2006 Legislature, OPD worked with the new counties, as well as continuing the program in Pierce and Benton-Franklin counties.

In the area of trial level public defense, OPD implemented legislative directives to initiate pilot programs, provide resource attorneys, advise counties when requested regarding public defense contracting, conduct regional trainings, and develop programs to distribute public defense funding to counties and cities to improve the local delivery of public defense.

Throughout fiscal year 2006, OPD worked with the legal community, the courts, and interested groups to improve trial level public defense and will continue to seek increased funding in the 2007 legislature to improve public defense in Washington State.

APPENDIX A

CHAPTER 10.101 RCW

INDIGENT DEFENSE SERVICES

[Chapter Listing](#)

RCW SECTIONS

- [10.101.005](#) Legislative finding.
- [10.101.010](#) Definitions.
- [10.101.020](#) Determination of indigency -- Provisional appointment -- Promissory note.
- [10.101.030](#) Standards.
- [10.101.040](#) Selection of defense attorneys.
- [10.101.050](#) Appropriated funds -- Application, reports.
- [10.101.060](#) Appropriated funds -- Use requirements.
- [10.101.070](#) County moneys.
- [10.101.080](#) City moneys.

10.101.005 LEGISLATIVE FINDING.

The legislature finds that effective legal representation must be provided for indigent persons and persons who are indigent and able to contribute, consistent with the constitutional requirements of fairness, equal protection, and due process in all cases where the right to counsel attaches.

[2005 c 157 § 1; 1989 c 409 § 1.]

10.101.010 DEFINITIONS.

The following definitions shall be applied in connection with this chapter:

- (1) "Indigent" means a person who, at any stage of a court proceeding, is:
 - (a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or
 - (b) Involuntarily committed to a public mental health facility; or
 - (c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level; or
 - (d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her

available funds are insufficient to pay any amount for the retention of counsel.

(2) "Indigent and able to contribute" means a person who, at any stage of a court proceeding, is unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are less than the anticipated cost of counsel but sufficient for the person to pay a portion of that cost.

(3) "Anticipated cost of counsel" means the cost of retaining private counsel for representation on the matter before the court.

(4) "Available funds" means liquid assets and disposable net monthly income calculated after provision is made for bail obligations. For the purpose of determining available funds, the following definitions shall apply:

(a) "Liquid assets" means cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in motor vehicles. A motor vehicle necessary to maintain employment and having a market value not greater than three thousand dollars shall not be considered a liquid asset.

(b) "Income" means salary, wages, interest, dividends, and other earnings which are reportable for federal income tax purposes, and cash payments such as reimbursements received from pensions, annuities, social security, and public assistance programs. It includes any contribution received from any family member or other person who is domiciled in the same residence as the defendant and who is helping to defray the defendant's basic living costs.

(c) "Disposable net monthly income" means the income remaining each month after deducting federal, state, or local income taxes, social security taxes, contributory retirement, union dues, and basic living costs.

(d) "Basic living costs" means the average monthly amount spent by the defendant for reasonable payments toward living costs, such as shelter, food, utilities, health care, transportation, clothing, loan payments, support payments, and court-imposed obligations.

[1998 c 79 § 2; 1997 c 59 § 3; 1989 c 409 § 2.]

10.101.020

DETERMINATION OF INDIGENCY — PROVISIONAL APPOINTMENT — PROMISSORY NOTE.

(1) A determination of indigency shall be made for all persons wishing the appointment of counsel in criminal, juvenile, involuntary commitment, and dependency cases, and any other case where the right to counsel attaches. The court or its designee shall determine whether the person is indigent pursuant to the standards set forth in this chapter.

(2) In making the determination of indigency, the court shall also consider the anticipated length and complexity of the proceedings and the usual and customary charges of an attorney in the community for rendering services, and any other circumstances presented to the court which are relevant to the issue of indigency. The appointment of counsel shall not be denied to the person because the person's friends or relatives, other than a spouse who was not the victim of any offense or offenses allegedly committed by the person, have resources adequate to retain counsel, or because the person has posted or is capable of posting bond.

(3) The determination of indigency shall be made upon the defendant's initial contact with the court or at the earliest time circumstances permit. The court or its designee shall keep a written record of the determination of indigency. Any information given by the accused under this section or sections shall be confidential and shall not be available for use by the prosecution in the pending case.

(4) If a determination of eligibility cannot be made before the time when the first services are to be

rendered, the court shall appoint an attorney on a provisional basis. If the court subsequently determines that the person receiving the services is ineligible, the court shall notify the person of the termination of services, subject to court-ordered reinstatement.

(5) All persons determined to be indigent and able to contribute, shall be required to execute a promissory note at the time counsel is appointed. The person shall be informed whether payment shall be made in the form of a lump sum payment or periodic payments. The payment and payment schedule must be set forth in writing. The person receiving the appointment of counsel shall also sign an affidavit swearing under penalty of perjury that all income and assets reported are complete and accurate. In addition, the person must swear in the affidavit to immediately report any change in financial status to the court.

(6) The office or individual charged by the court to make the determination of indigency shall provide a written report and opinion as to indigency on a form prescribed by the office of public defense, based on information obtained from the defendant and subject to verification. The form shall include information necessary to provide a basis for making a determination with respect to indigency as provided by this chapter.

[1997 c 41 § 5; 1989 c 409 § 3.]

10.101.030 STANDARDS.

Each county or city under this chapter shall adopt standards for the delivery of public defense services, whether those services are provided by contract, assigned counsel, or a public defender office. Standards shall include the following: Compensation of counsel, duties and responsibilities of counsel, case load limits and types of cases, responsibility for expert witness fees and other costs associated with representation, administrative expenses, support services, reports of attorney activity and vouchers, training, supervision, monitoring and evaluation of attorneys, substitution of attorneys or assignment of contracts, limitations on private practice of contract attorneys, qualifications of attorneys, disposition of client complaints, cause for termination of contract or removal of attorney, and nondiscrimination. The standards endorsed by the Washington state bar association for the provision of public defense services should serve as guidelines to local legislative authorities in adopting standards.

[2005 c 157 § 2; 1989 c 409 § 4.]

10.101.040 SELECTION OF DEFENSE ATTORNEYS.

City attorneys, county prosecutors, and law enforcement officers shall not select the attorneys who will provide indigent defense services.

[1989 c 409 § 5.]

10.101.050 APPROPRIATED FUNDS — APPLICATION, REPORTS.

The Washington state office of public defense shall disburse appropriated funds to counties and cities for the purpose of improving the quality of public defense services. Counties may apply for up to their pro rata share as set forth in RCW [10.101.060](#) provided that counties conform to application procedures established by the office of public defense and improve the quality of services for both juveniles and adults. Cities may apply for moneys pursuant to the grant program set forth in RCW [10.101.080](#). In order to receive funds, each applying county or city must require that attorneys providing public defense services attend training approved by the office of public defense at least once per calendar year. Each applying county or city shall report the expenditure for all public defense services in the previous calendar year, as well as case statistics for that year, including per attorney caseloads, and shall provide a copy of each current public defense contract to the office of public defense with its application. Each individual or organization that contracts to perform public defense services for a county or city shall report to the county or city hours billed for nonpublic defense legal services in the previous calendar year, including number and types of private cases.

[2005 c 157 § 3.]

10.101.060 APPROPRIATED FUNDS — USE REQUIREMENTS.

(1)(a) Subject to the availability of funds appropriated for this purpose, the office of public defense shall disburse to applying counties that meet the requirements of RCW [10.101.050](#) designated funds under this chapter on a pro rata basis pursuant to the formula set forth in RCW [10.101.070](#) and shall disburse to eligible cities, funds pursuant to RCW [10.101.080](#). Each fiscal year for which it receives state funds under this chapter, a county or city must document to the office of public defense that it is meeting the standards for provision of indigent defense services as endorsed by the Washington state bar association or that the funds received under this chapter have been used to make appreciable demonstrable improvements in the delivery of public defense services, including the following:

(i) Adoption by ordinance of a legal representation plan that addresses the factors in RCW [10.101.030](#). The plan must apply to any contract or agency providing indigent defense services for the county or city;

(ii) Requiring attorneys who provide public defense services to attend training under RCW [10.101.050](#);

(iii) Requiring attorneys who handle the most serious cases to meet specified qualifications as set forth in the Washington state bar association endorsed standards for public defense services or participate in at least one case consultation per case with office of public defense resource attorneys who are so qualified. The most serious cases include all cases of murder in the first or second degree, persistent offender cases, and class A felonies. This subsection (1)(a)(iii) does not apply to cities receiving funds under RCW [10.101.050](#) through [10.101.080](#);

(iv) Requiring contracts to address the subject of compensation for extraordinary cases;

(v) Identifying funding specifically for the purpose of paying experts (A) for which public defense attorneys may file ex parte motions, or (B) which should be specifically designated within a public defender agency budget;

(vi) Identifying funding specifically for the purpose of paying investigators (A) for which public defense attorneys may file ex parte motions, and (B) which should be specifically designated within a public defender agency budget.

(b) The cost of providing counsel in cases where there is a conflict of interest shall not be borne by the attorney or agency who has the conflict.

(2) The office of public defense shall determine eligibility of counties and cities to receive state funds

under this chapter. If a determination is made that a county or city receiving state funds under this chapter did not substantially comply with this section, the office of public defense shall notify the county or city of the failure to comply and unless the county or city contacts the office of public defense and substantially corrects the deficiencies within ninety days after the date of notice, or some other mutually agreed period of time, the county's or city's eligibility to continue receiving funds under this chapter is terminated. If an applying county or city disagrees with the determination of the office of public defense as to the county's or city's eligibility, the county or city may file an appeal with the advisory committee of the office of public defense within thirty days of the eligibility determination. The decision of the advisory committee is final.

[2005 c 157 § 4.]

10.101.070 COUNTY MONEYS.

The moneys shall be distributed to each county determined to be eligible to receive moneys by the office of public defense as determined under this section. Ninety percent of the funding appropriated shall be designated as "county moneys" and shall be distributed as follows:

(1) Six percent of the county moneys appropriated shall be distributed as a base allocation among the eligible counties. A county's base allocation shall be equal to this six percent divided by the total number of eligible counties.

(2) Ninety-four percent of the county moneys appropriated shall be distributed among the eligible counties as follows:

(a) Fifty percent of this amount shall be distributed on a pro rata basis to each eligible county based upon the population of the county as a percentage of the total population of all eligible counties; and

(b) Fifty percent of this amount shall be distributed on a pro rata basis to each eligible county based upon the annual number of criminal cases filed in the county superior court as a percentage of the total annual number of criminal cases filed in the superior courts of all eligible counties.

(3) Under this section:

(a) The population of the county is the most recent number determined by the office of financial management;

(b) The annual number of criminal cases filed in the county superior court is determined by the most recent annual report of the courts of Washington, as published by the office of the administrator for the courts;

(c) Distributions and eligibility for distributions in the 2005-2007 biennium shall be based on 2004 figures for the annual number of criminal cases that are filed as described under (b) of this subsection. Future distributions shall be based on the most recent figures for the annual number of criminal cases that are filed as described under (b) of this subsection.

[2005 c 157 § 5.]

10.101.080

CITY MONEYS.

The moneys under RCW [10.101.050](#) shall be distributed to each city determined to be eligible under this section by the office of public defense. Ten percent of the funding appropriated shall be designated as "city moneys" and distributed as follows:

(1) The office of public defense shall administer a grant program to select the cities eligible to receive city moneys. Incorporated cities may apply for grants. Applying cities must conform to the requirements of RCW [10.101.050](#) and [10.101.060](#).

(2) City moneys shall be divided among a maximum of five applying cities and shall be distributed in a timely manner to accomplish the goals of the grants.

(3) Criteria for award of grants shall be established by the office of public defense after soliciting input from the association of Washington cities. Award of the grants shall be determined by the office of public defense.

[2005 c 157 § 6.]

APPENDIX B

WASHINGTON DEFENDER ASSOCIATION STANDARDS FOR PUBLIC DEFENSE SERVICES

Objectives and minimum requirements for providing legal representation to poor persons accused of crimes or facing Juvenile or Civil Commitment proceedings in Washington State

October 1989

ENDORSEMENT

These Standards were endorsed by the Washington State Bar Association Board of Governors in January, 1990.

ACKNOWLEDGEMENTS

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STANDARDS FOR PUBLIC DEFENSE SERVICES

STANDARD ONE: Compensation

Public defense attorneys and staff should be compensated at a rate commensurate with their training and experience. To attract and retain qualified personnel, compensation and benefit levels should be comparable to those of attorneys and staff in prosecutorial offices in the area.

For assigned counsel, reasonable compensation should be provided. Compensation should reflect the time and labor required to be spent by the attorney and the degree of professional experience demanded by the case. Assigned counsel should be compensated for out-of-pocket expenses.

Contracts should provide for extraordinary compensation over and above the normal contract terms for cases which require an extraordinary amount of time and preparation, including, but not limited to, death penalty cases. Services which require extraordinary fees should be defined in the contract.

STANDARD TWO: Duties and Responsibilities of Counsel

The legal representation plan shall require that defense services be provided to all clients in a professional, skilled manner consistent with minimum standards set forth by the American Bar Association, applicable state bar association standards, the Rules of Professional Conduct, case law and applicable court rules defining the duties of counsel and the rights of defendants in criminal cases. Counsel's primary and most fundamental responsibility is to promote and protect the best interests of the client.

STANDARD THREE: Caseload Limits and Types of Cases

The contract or other employment agreement shall specify the types of cases for which representation shall be provided and the maximum number of cases which each attorney shall be expected to handle. The caseload of public defense attorneys should allow each lawyer to give each client the time and effort necessary to ensure effective representation. Neither defender organizations, county offices, contract attorneys nor assigned counsel should accept workloads that, by reason of their excessive size, interfere with the rendering of quality representation.

The caseload of a full-time public defense attorney or assigned counsel shall not exceed the following:

150 Felonies per attorney per year; or
300 Misdemeanors per attorney per year; or
250 Juvenile Offender cases per attorney per year; or
60 Juvenile dependency clients per attorney per year; or³
250 Civil Commitment cases per attorney per year; or
25 Appeals to appellate court hearing a case on the record and briefs per attorney per year.

A case is defined by the Office of the Administrator for the Courts as: A filing of a document with the court naming a person as defendant or respondent.

Caseload limits should be determined by the number and type of cases being accepted and on the local prosecutor's charging and plea bargaining practices. In jurisdictions where assigned counsel or contract attorneys also maintain private law practices, the contracting agency should ensure that attorneys not

accept more cases than they can reasonably discharge. In these situations, the caseload ceiling should be based on the percentage of time the lawyer devotes to public defense.

STANDARD FOUR: Responsibility for Expert Witnesses

Reasonable compensation for expert witnesses necessary to preparation and presentation of the defense case shall be provided. Expert witness fees should be maintained and allocated from funds separate from those provided for defender services. Requests for expert witness fees under Court Rule 3.1 f should be made through an ex parte motion. The defense should be free to retain the expert of its choosing and in no cases should be forced to select experts from a list pre-approved by either the court or the prosecution.

STANDARD FIVE: Administrative Expenses

Contracts for public defense services should include the administrative costs associated with providing legal representation. These costs may include travel, telephones, law library, financial accounting, case management systems, the reporting requirements imposed by these standards, and other costs necessarily incurred in the day to day management of the contract.

STANDARD SIX: Investigators

Public defender offices, assigned counsel, and private law firms holding contracts to provide representation for poor people accused of crimes should employ investigators with criminal investigation training and experience. A minimum of one investigator should be employed for every four attorneys.

STANDARD SEVEN: Support Services

The legal representation plan should provide for adequate numbers of investigators, secretaries, paralegals, social work staff, mental health professionals and other support services. These professionals are essential to ensure the effective performance of defense counsel during trial preparation, in the preparation of dispositional plans, and at sentencing.

1. Secretaries - At least one full-time secretary should be employed for every four staff attorneys. Fewer secretaries may be necessary, however, if the agency has access to word processing or overload secretaries, or other additional staff performing clerical work.
2. Social Work Staff - Social work staff should be available to assist in developing release, treatment, and dispositional alternatives.
3. Mental Health Professionals - Each agency should have access to mental health professionals to perform mental health evaluations.

STANDARD EIGHT: Report of Attorney Activity and Vouchers

The legal representation plan shall require that the defense attorney or office maintain a case-reporting and management information system which includes number and type of cases, attorney hours and disposition. This information shall be provided regularly to the Contracting Authority and shall also be made available to the Office of the Administrator of the Courts. Any such system shall be maintained independently from client files so as to disclose no privileged information.

A standardized voucher form shall be used by assigned counsel attorneys seeking payment upon completion of a case. For attorneys under contract, payment should be made monthly, or at times agreed to by the parties, without regard to the number of cases closed in the period.

STANDARD NINE: Training

Attorneys providing public defense services should participate in regular training programs on criminal defense law, including a minimum of seven hours of continuing legal education annually in areas relating to their public defense practice.

In offices of more than seven attorneys, an orientation and training program for new attorneys and legal interns should be held to inform them of office procedure and policy. All attorneys should be required to attend regular in-house training programs on developments in criminal law, criminal procedure and the forensic sciences. Attorneys in civil commitment and dependency practices should attend training programs in these areas. Offices should also develop manuals to inform new attorneys of the rules and procedures of the courts within their jurisdiction.

Every attorney providing counsel to indigent accused should have the opportunity to attend courses that foster trial advocacy skills and to review professional publications and tapes.

STANDARD TEN: Supervision

Each agency or firm providing public defense services should provide one full-time supervisor for every ten staff lawyers or one half-time supervisor for every five lawyers. Supervisors should be chosen from among those lawyers in the office qualified under these guidelines to try Class A felonies. Supervisors should serve on a rotating basis, and except when supervising fewer than ten lawyers, should not carry caseloads.

STANDARD ELEVEN: Monitoring and Evaluation of Attorneys

The plan for public defense services should establish a procedure for systematic monitoring and evaluation of attorney performance based upon publicized criteria. Supervision and evaluation efforts should include review of time and caseload records, review and inspection of transcripts, in-court observations, and periodic conferences.

Performance evaluations made by a supervising attorney should be supplemented by comments from judges, prosecutors, other defense lawyers and clients. Attorneys should be evaluated on their skill and effectiveness as criminal lawyers or as dependency or civil commitment advocates.

STANDARD TWELVE: Substitution of Attorneys or Assignment of Contract

The attorney engaged by local government to provide public defense services should not sub-contract with another firm or attorney to provide representation and should remain directly involved in the provision of representation. If the contract is with a firm or office, the contracting authority should request the names and experience levels of those attorneys who will actually be providing the services, to ensure they meet minimum qualifications. The employment agreement shall address the procedures for continuing representation of clients upon the conclusion of the agreement.

STANDARD THIRTEEN: Limitations on Private Practice of Contract Attorneys

Contracts for public defense representation with private attorneys or firms shall set limits on the amount of privately retained work which can be accepted by the contracting attorney. These limits shall be based on the percentage of a full-time caseload which the public defense cases represent.

STANDARD FOURTEEN: Qualifications of Attorneys

1. In order to assure that indigent accused receive the effective assistance of counsel to which they are constitutionally entitled, attorneys providing defense services should meet the following minimum professional qualifications:
 - A. Satisfy the minimum requirements for practicing law in Washington as determined by the Washington Supreme Court; and
 - B. Complete seven hours of continuing legal education within each calendar year in courses relating to their public defense practice.
2. **Trial attorneys' qualifications according to severity or type of case:**
 - A. **Death Penalty Representation.** Each attorney acting as lead counsel in a death penalty case shall meet the following requirements:
 - i. The minimum requirements set forth in Section 1; and
 - ii. at least five years criminal trial experience; and
 - iii. have prior experience as lead counsel in no fewer than nine jury trials of serious and complex cases which were tried to completion; and
 - iv. have served as lead or co-counsel in at least one jury trial in which the death penalty was sought; and
 - v. have completed at least one death penalty defense seminar within the previous two years.
 - B. **Adult Felony Cases - Class A.** Each staff attorney representing a defendant accused of a Class A felony as defined in RCW 9A.20.020 shall meet the following requirements:
 - i. Minimum requirements set forth in Section 1, and
 - ii. Either:
 - a. has served two years as a prosecutor; or
 - b. has served two years as a public defender; or
 - c. has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in five felony cases that have been submitted to a jury.
 - C. **Adult Felony Cases - Class B Violent Offense or Sexual Offense.** Each attorney representing a defendant accused of a Class B violent offense or sexual offense as defined in RCW 9A.20.020 shall meet the following requirements:
 - i. Minimum requirements set forth in section 1, and
 - ii. Either:
 - a. has served one year as prosecutor; or
 - b. has served one year as public defender; and
 - c. has been trial counsel alone or with other counsel and handled a significant portion of the trial in two Class C felony cases that have been submitted to a jury.
 - D. **Adult Felony Cases - All other Class B Felonies, Class C Felonies, Probation or Parole Revocation.** Each staff attorney representing a defendant accused of a Class B felony not defined in c above or a Class C felony, as defined in RCW 9A.20.020, or involved in a probation or parole revocation hearing shall meet the following requirements:
 - i. Minimum requirements set forth in section 1, and
 - ii. Either:
 - a. Has served one year as a prosecutor; or
 - b. Has served one year as a public defender; or

- c. has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in two criminal cases that have been submitted to a jury; and
 - iii. Each attorney shall be accompanied at his or her first felony trial by a supervisor.
- E. **Juvenile Cases - Class A** - Each attorney representing a juvenile accused of a Class A felony shall meet the following requirements:
 - i. Minimum requirements set forth in section 1, and
 - ii. Either:
 - a. has served one year as a prosecutor; or
 - b. has served one year as a public defender; or
 - c. has been trial counsel alone of record in five juvenile Class B and C felony trials; and
 - iii. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor.
- F. **Juvenile Cases - Classes B and C** - Each attorney representing a juvenile accused of a Class B or C felony shall meet the following requirements:
 - i. Minimum requirements set forth in Section 1; and
 - ii. Either:
 - a. has served one year as a prosecutor; or
 - b. has served one year as a public defender; or
 - c. has been trial counsel alone in five misdemeanor cases brought to a final resolution; and
 - iii. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor
- G. **Misdemeanor Cases** - Each attorney representing a defendant involved in a matter concerning a gross misdemeanor or condition of confinement, shall meet the requirements as outlined in Section 1.
- H. **Dependency Cases** - Each attorney representing a client in a dependency matter shall meet the following requirements:
 - i. The minimum requirements as outlined in Section; and
 - ii. Attorneys handling termination hearings shall have six months dependency experience or have significant experience in handling complex litigation.
- I. **Civil Commitment Cases** - Each attorney representing a respondent shall meet the following requirements:
 - i. Minimum requirements set forth in Section 1; and
 - ii. Each staff attorney shall be accompanied at his or her first 90 or 180 day commitment hearing by a supervisor; and
 - iii. Shall not represent a respondent in a 90 or 180 day commitment hearing unless he or she has either:
 - a. served one year as a prosecutor, or
 - b. served one year as a public defender, or
 - c. been trial counsel in five civil commitment probable cause hearings.
- J. In order to advance from one qualification category to the next, an attorney must participate in a supervised trial of the next higher category.
- 3. **Appellate Representation** - Each attorney who is counsel for a case on appeal to the Washington Supreme Court or to the Washington Court of Appeals shall meet the following requirements:
 - A. The minimum requirements as outlined in Section 1; and
 - B. Either:
 - i. has filed a brief with the Washington Supreme Court or any Washington Court of Appeals in at least one criminal case within the past two years; or
 - ii. has equivalent appellate experience, including filing appellate briefs in other jurisdictions, at least one year as an appellate court or federal court clerk, extensive trial level briefing or other comparable work.
 - iii. Attorneys with primary responsibility for handling a death penalty appeal shall have at least five years' criminal experience, preferably including at least one homicide trial and at least six appeals from felony convictions.

4. **Legal Interns.**

- A. Legal interns must meet the requirements set out in APR 9.
- B. Legal interns shall receive training pursuant to APR 9 and Standard Nine, Training.

STANDARD FIFTEEN: Disposition of Client Complaints

The legal representation plan shall include a method to respond promptly to client complaints. Complaints should first be directed to the attorney, firm or agency which provided representation. If the client feels that he or she has not received an adequate response, the contracting authority or public defense administrator should designate a person or agency to evaluate the legitimacy of complaints and to follow up meritorious ones. The complaining client should be informed as to the disposition of his or her complaint within one week.

STANDARD SIXTEEN: Cause for Termination or Removal of Attorney

Contracts for defense services shall include the grounds for termination of the contract by the parties. Termination of an attorney's contract should only be for cause. Good cause shall include the failure of the attorney to render adequate representation to clients; the willful disregard of the rights and best interests of the client; and the willful disregard of the standards herein addressed.

The representation in an individual case establishes an inviolable attorney-client relationship. Removal of counsel from representation therefore normally should not occur over the objection of the attorney and the client.

STANDARD SEVENTEEN: Non-Discrimination

Neither the Contracting Authority, in its selection of an attorney, firm or agency to provide public defense representation, nor the attorneys selected, in their hiring practices or in their representation of clients, shall discriminate on the grounds of race, color, religion, national origin, age, marital status, sex, sexual orientation or handicap. Both the contracting authority and the contractor shall comply with all federal, state, and local non-discrimination requirements.

STANDARD EIGHTEEN: Guidelines for Awarding Defense Contracts

The county or city should award contracts for public defense services only after determining that the attorney or firm chosen can meet accepted professional standards. Under no circumstances should a contract be awarded on the basis of cost alone. Attorneys or firms bidding for contracts must demonstrate their ability to meet these standards.

Contracts should only be awarded to a) attorneys who have at least one year's criminal trial experience in the jurisdiction covered by the contract (i.e., City and District Courts, Superior Court or Juvenile Court), or b) to a firm where at least one attorney has one year's trial experience.

City attorneys, county prosecutors, and law enforcement officers should not select the attorneys who will provide indigent defense services.

APPENDIX C

Washington State Office of Public Defense

Application for Public Defense Funding

Pursuant to Chapter 10.101 RCW

County_____Contact name/title_____

Mailing address_____

Phone_____Email_____

NOTE: Applications are due August 31, 2006. If for some reason the county needs additional time, please contact OPD to request an extension.

1. In 2005, the county paid indigent defense expenses as follows: *(list attorney salaries and benefits, contract attorney amounts [including conflict attorneys], and investigator, expert and other indigent defense costs).*

Total dollar amount spent on indigent defense:	
(a) Total dollar amount spent on adult felony indigent defense:	
(b) Total dollar amount spent on adult misdemeanor indigent defense:	
(c) Total dollar amount spent on indigent dependency/termination parents' representation:	
(d) Total dollar amount spent on juvenile indigent defense:	

This information was () was not () derived from the State Auditor Budgeting Accounting & Reporting System (BARS) categories. If BARS category codes are not currently used for public defense budget reporting, when will the BARS reporting system be implemented?_____

2. In 2005, attorneys providing indigent defense representation had the following caseloads:

Fill in section 2(a) if the county has a public defender agency, such as a department of assigned counsel or one or more non-profit public defense firm(s) whose practice is limited to public defense.

2(a) Counties with public defender agencies.	Number of cases filed as reported to the Administrative Office of the Courts	Number of cases assigned to public defenders	Number of full-time equivalent public defenders	Caseload per full-time equivalent public defender	Number of cases assigned to conflict counsel
Superior Court adult felonies					
District Court adult misdemeanors and gross misdemeanors					
Juvenile Court offender cases					
Juvenile Court dependency/termination cases					
"Becca" cases (truancy contempt, at-risk youth, CHINS)					

Fill in section 2(b) if the county contracts with public defense attorneys or if public defense attorneys are appointed by the court from a list:

2(b) Counties with contract or list appointed public defense attorneys	Number of cases filed as reported to the Administrative Office of the Courts	Number of cases assigned to public defense attorneys	Number of attorneys with public defense contracts (or on court's appointment list)
Superior Court adult felonies			
District Court adult misdemeanors and gross misdemeanors			
Juvenile Court offender cases			
Juvenile Court dependency/termination cases			
"Becca" cases (truancy contempt, at-risk youth, CHINS)			

3. If the county has public defense contracts, fill out the Table of Public Defense Contracts (Table I), and provide a copy of each current contract in alphabetical order by attorney name. (If possible, please provide scanned copies of contracts, by CD or email attachment. Hard copies are acceptable.)

4. If the county courts appoint public defense attorneys from a list, provide the name of each attorney and the compensation paid per case or per hour in the Table of List-Appointed Public Defense Attorneys (Table II).

5. Prior to or upon receipt of Chapter 10.101 RCW public defense funds, the county will require that all indigent defense attorneys attend OPD-approved training at least once per calendar year. Yes () No ()

6. Prior to or upon receipt of Chapter 10.101 RCW public defense funds, the county will require that all private attorneys who contract to provide public defense services begin to report their "hours billed for nonpublic defense legal services . . . including number and types of private cases." (RCW 10.101.050) Yes () No ()

7. The county has adopted a public defense ordinance, which is attached; or, the county is aware that under RCW 10.101.060(1)(a)(i), an ordinance addressing public defense standards must be adopted during calendar year 2007 to maintain eligibility for funding. Yes () No ()

8. The county plans to use these funds for the following purpose; or, alternatively, will employ the following process to determine how to use the funds:

9. Certification

I declare under penalty of perjury under the laws of the State of Washington that the foregoing information is true and correct.

Signature

Date

Printed Name Title Place

Washington State Office of Public Defense
Table I: Public Defense Contracts

[illegible]

Table II: List-Appointed Public Defense Attorneys

[illegible]

Washington State Office of Public Defense

Application for Public Defense Funding

Pursuant to Chapter 10.101 RCW

Washington State Office of Public Defense

RCW 10.101.060 Estimated County Funding Distribution

County	2005 Population	2004 Filings	Total Distribution
Adams	17,000	211	\$12,723
Asotin	20,900	220	\$13,717
Benton	158,100	1,683	\$77,882
Chelan	69,200	779	\$37,425
Clallam	66,800	564	\$31,478
Clark	391,500	2,574	\$146,339
Columbia	4,100	40	\$5,838
Cowlitz	95,900	1,748	\$67,342
Douglas	34,700	261	\$17,467
Ferry	7,400	68	\$7,198
Franklin	60,500	454	\$27,441
Garfield	2,400	10	\$4,741
Grant	79,100	848	\$41,124
Grays Harbor	69,800	677	\$34,945
Island	76,000	263	\$25,616
Jefferson	27,600	146	\$13,146
King	1,808,300	10,209	\$618,603
Kitsap	240,400	2,025	\$102,729
Kittitas	36,600	359	\$20,336
Klickitat	19,500	213	\$13,264
Lewis	71,600	1,008	\$43,729
Lincoln	10,100	39	\$6,989
Mason	51,900	531	\$27,716
Okanogan	39,600	363	\$21,026
Pacific	21,300	248	\$14,508
Pend Oreille	12,200	78	\$8,394
Pierce	755,900	6,067	\$306,757
San Juan	15,500	50	\$8,328
Skagit	110,900	977	\$50,645
Skamania	10,300	110	\$8,837
Snohomish	655,800	3,101	\$211,584
Spokane	436,300	4,139	\$194,985
Stevens	41,200	293	\$19,556
Thurston	224,100	2,385	\$108,703
Wahkiakum	3,900	34	\$5,646
Walla Walla	57,500	612	\$30,878
Whatcom	180,800	1,765	\$84,421
Whitman	42,400	224	\$18,034
Yakima	229,300	2,785	\$119,911
Total	6,256,400	48,161	\$2,610,000